

# Notice of Allowability

Application No.

10/044,682

Examiner

David J. Parsley

Applicant(s)

SCHMIDT ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment dated 11-7-05.
2. ☒ The allowed claim(s) is/are 1-8,10-13 and 21-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS ( as "replacement sheets" ) must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948 ) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **Examiner's Comment**

### ***Drawings***

1. Regarding drawing figures 3-4, color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

## **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance: the limitations of "...holder orientation means operatively associated with said transfer wheel configured for rotating the carcass holders with respect to the transfer wheel about their respective axes and for equalizing the rotational orientation of the carcass holders from receipt of the carcasses on the transfer wheel to the discharge of the carcasses from the transfer wheel, the initial rotational

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orientation and the final rotational orientation of the carcasses being identical relative to the first overhead conveyor and to the second overhead conveyor...” in claim 1, “...holder orientation means operatively associated with said transfer wheel configured for rotating the carcass holders with respect to the transfer wheel and for equalizing the rotational orientation of the carcass holders from receipt of the carcasses on the transfer wheel to the discharge of the carcasses from the transfer wheel, the initial rotational orientation and the final rotational orientation of the carcasses being identical relative to the first overhead conveyor and to the second overhead conveyor wherein the orientation means is adapted for keeping the rotational orientation of the carcass in the holder constant throughout the transport on the transfer wheel...” in claim 2, “...holder orientation means operatively associated with said transfer wheel configured for rotating the carcass holders with respect to the transfer wheel and for equalizing the rotational orientation of the carcass holders from receipt of the carcasses on the transfer wheel to the discharge of the carcasses from the transfer wheel, the initial rotational orientation and the final rotational orientation of the carcasses being identical relative to the first overhead conveyor and to the second overhead conveyor, the transfer wheel being connected to a vertical shaft in a rotatably fixed manner, the shaft being rotatable about the vertical axis, the first orientation means comprising a first driving disc provided on the first holder, a second driving disc placed loosely on the shaft but retained in special orientations, and a driving belt or driving chain running circumferentially about both said first and second driving discs...” in claim 7, “...holder orientation means operatively associated with said transfer wheel configured for rotating the carcass holders with respect to the transfer wheel and for equalizing the rotational orientation of the carcass holders from receipt of the carcasses on the transfer wheel to the discharge of the

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carcasses from the transfer wheel, the initial rotational orientation and the final rotational orientation of the carcasses being identical relative to the first overhead conveyor, the orientation means comprising the first orientation means for orienting a first of the holders, and second orientation means for orienting others of the holders, which second orientation means are operated by the first orientation means, and the second orientation means comprising a first toothed wheel that is attached to the first holder in a rotatably fixed manner, a central toothed wheel freely rotatable on a shaft and driven by the first toothed wheel, and second toothed wheels each attached in a rotatably fixed manner to the other holders, which second toothed wheels are driven engagement with the central toothed wheel...” in claim 10, “...orientation means responsive to the rotation of said transfer wheel for rotating each of said holders about its respective central shaft and with respect to the transfer wheel during transport of the holders by the transfer wheel from the first overhead conveyor to the second overhead conveyor to deliver the carcasses, to the second overhead conveyor in the same rotational orientation as received from the first overhead conveyor...” in claim 12, “...a plurality of holders, each holder being rotatably mounted on the transfer wheel at the perimeter of the transfer wheel and configured to receive one of the carcasses from the first overhead conveyor at the carcass receipt point and to discharge the carcass to the second overhead conveyor at the carcass discharge point; and holder orientation means responsive to the continuous rotation of said transfer wheel for continuously rotating said holders in unison with respect to said transfer wheel; said holder orientation means configured so that each carcass received by a holder maintains its rotational orientation as received at the carcass receipt point continuously until delivered to the carcass discharge point...” in claim 21 and “...orientation control means responsive to the rotation of said transfer

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wheel for rotating the bird holders with respect to the transfer wheel about their respective upwardly extending axes and for equalizing the rotational orientation of the bird holders about said upwardly extending axes from receipt of the carcasses on the transfer wheel to the discharge of the carcasses from the transfer wheel to deliver the carcasses to the second overhead conveyor in the same rotational orientation as received from the first overhead conveyor..." in claim 24 are not found in the prior art of record.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

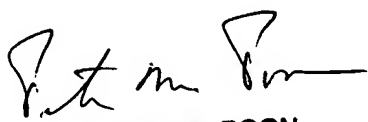
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David Parsley  
Patent Examiner  
Art Unit 3643

  
**PETER M. POON**  
**SUPERVISORY PATENT EXAMINER**

11/23/05